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EXAMINER	
SCOTT, RANDY A	
ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,912	IYER ET AL.	
	Examiner	Art Unit	
	Randy Scott	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/18/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

This Office Action is in response to the Application filed September 09, 2003.

Drawings

1. The drawings are objected to because characters 150, 151, 152, and 153 of figure 1 are referenced in the applicant's specification as communication links, but aren't labeled in the drawings as so. Please labels 150, 151, 152, and 153 or provide a clearer depiction of a communication link in the drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The required section entitled "Brief Summary or General Statement of the Invention" is not included in the applicant's specification. (g)Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities:
On line 3 of par [0033], the applicant references figure 310 as being the step labeled to transmit the XML document, but figures 210 and 304 of the drawing are labeled to perform the fore mentioned step. The applicant should specify the appropriate drawing of reference.

Appropriate correction is required.

Claim Objections

4. Claims 3, 5-24, and 26-43 are objected to because of the following informalities:

On line 3 of claim 3 the term "the step of extracting the XML document" should be --a step of extracting the XML document --.

On line 5 of claim 5 the term "data associated" should be -- said data associated--.

On line 2 of claim 6 the term "a network management application" should be -- said network management application--.

On line 2 of claim 7 the term "a network management application" should be -- said network management application--.

On line 2 of claim 7 the term "a query" should be -- said query--.

On line 5 of claim 7 the term "one or more of the objects" should be -- said one or more of the objects--.

On line 2 of claim 8 the term "a query" should be -- said query--.

On line 2 of claim 8 the term "receiving" should be excluded from the term "receiving a query".

On line 2 of claim 8 the term "a network management application" should be -- said network management application--.

On line 2 of claim 9 the term "a query" should be -- said query--.

On line 2 of claim 9 the term "a network management application" should be -- said network management application--.

On line 2 of claim 10 the term "a network management application" should be -- said network management application--.

On line 3 of claim 10 the term "one or more of the objects" should be -- said one or more of the objects--.

On line 10 of claim 11 the term "one of several network device operating system components" should be -- said one of several network device operating system components--.

On line 1 of claim 12 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 13 the term "a computer readable medium" should be -- the computer readable medium--.

On line 2 of claim 14 the term "which instructions" should be --said instructions--.

On line 3 of claim 14 the term "the steps of" should be --steps of--.

On line 1 of claim 15 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 15 the term "instructions" should be --said instructions--.

On line 3 of claim 15 the term "the steps of" should be --steps of--.

On line 1 of claim 16 the term "a computer readable medium" should be -- the computer readable medium--.

On line 3 of claim 16 the term "instructions" should be --said instructions--.

On line 4 of claim 16 the term "the step of" should be --a step of--.

On line 1 of claim 17 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 17 the term "instructions" should be --said instructions--.

On line 3 of claim 17 the term "the steps of" should be --steps of--.

On line 1 of claim 18 the term "a computer readable medium" should be -- the computer readable medium--.

On line 5 of claim 18 the term "validating data" should be --validating said data--.

On line 1 of claim 19 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 19 the term "instructions" should be --said instructions--.

On line 3 of claim 19 the term "the steps of" should be --steps of--.

On line 4 of claim 19 the term "a network management application" should be --said network management application--.

On line 1 of claim 20 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 20 the term "instructions" should be --said instructions--.

On line 3 of claim 20 the term "the steps of" should be --steps of--.

On line 4 of claim 20 the term "a query" should be -- said query--.

On line 1 of claim 21 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 21 the term "instructions" should be --said instructions--.

On line 2 of claim 21 the term "receiving" should be excluded from the term "receiving a query".

On line 3 of claim 21 the term "the steps of" should be --steps of--.

On line 4 of claim 21 the term "a network management application" should be --said network management application--.

On line 4 of claim 21 the term "a query" should be -- said query--.

On line 7 of claim 21 the term "one or more of the methods" should be --the one or more of the methods--.

On line 1 of claim 22 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 22 the term "instructions" should be --said instructions--.

On line 3 of claim 22 the term "the steps of" should be --steps of--.

On line 4 of claim 22 the term "a network management application" should be --said network management application--.

On line 4 of claim 22 the term "a query" should be -- said query--.

On line 5 of claim 22 the term "one or more of several attributes" should be --the one or more of several attributes --.

On line 6 of claim 22 the term "one or more of the attributes" should be --said one or more of the attributes --.

On line 1 of claim 23 the term "a computer readable medium" should be -- the computer readable medium--.

On line 1 of claim 23 the term "instructions" should be --said instructions--.

On line 3 of claim 23 the term "the steps of" should be --steps of--.

On line 4 of claim 23 the term "a network management application" should be --said network management application--.

On line 5 of claim 23 the term "one or more of several methods" should be --the one or more of several methods --.

On line 5 of claim 23 the term "one or more of several components" should be --the one or more of several components --.

On line 9 of claim 24 the term "the selected one of several network device operating system components" should be --the selected one of said several network device operating system components --.

On line 1 of claim 26 the term "a transport protocol message" should be --the transport protocol message --.

On line 1 of claim 26 the term "the apparatus of" should be --An apparatus of--.

On line 2 of claim 26 the term "one of several transport protocols" should be --the one of said several transport protocols --.

On line 1 of claim 27 the term "the apparatus of" should be --An apparatus of--.

On line 2 of claim 27 the term "a function" should be --the function --.

On line 2 of claim 27 the term "one or more tasks associated with the operation" should be --the one or more tasks associated with the operation --.

On line 1 of claim 28 the term "the apparatus of" should be --An apparatus of--.

On line 5 of claim 28 the term "data" should be --the data --.

On line 7 of claim 28 the term "data" should be --the data --.

On line 1 of claim 29 the term "the apparatus of" should be --An apparatus of--.

On line 2 of claim 29 the term "query" should be --the query --.

On line 4 of claim 29 the term "a network management application" should be --said network management application--.

On line 5 of claim 29 the term "a response" should be --the response --.

On line 6 of claim 29 the term "one or more of the several network device operation system components" should be --the one or more of the several network device operation system components --.

On line 1 of claim 30 the term "the apparatus of" should be --An apparatus of--.

On line 2 of claim 30 the term "query" should be --the query --.

On line 2 of claim 30 the term "a network management application" should be --said network management application--.

On line 3 of claim 30 the term "one or more of several objects" should be --the one or more of several objects --.

On line 2 of claim 30 the term "a query" should be -- said query--.

On line 5 of claim 30 the term "a response" should be --the response --.

On line 6 of claim 30 the term "one or more of the objects" should be --the one or more of the objects --.

On line 1 of claim 31 the term "the apparatus of" should be --An apparatus of--.

On line 2 of claim 31 the term "receiving" should be excluded from the term "receiving a query".

On line 2 of claim 31 the term "query" should be --the query --.

On line 2 of claim 31 the term "a network management application" should be --said network management application--.

On line 2 of claim 31 the term "a query" should be -- said query--.

On line 3 of claim 31 the term "one or more of several methods" should be --the one or more of several methods --.

On line 5 of claim 31 the term "a response" should be --the response --.

On line 6 of claim 31 the term "one or more of the objects" should be --the one or more of the objects --.

On line 1 of claim 32 the term "the apparatus of" should be --An apparatus of--.

On line 2 of claim 32 the term "query" should be --the query --.

On line 2 of claim 32 the term "a network management application" should be --said network management application--.

On line 3 of claim 32 the term "one or more of several attributes" should be --the one or more of several attributes --.

On line 5 of claim 32 the term "a response" should be --the response --.

On line 6 of claim 32 the term "one or more of the attributes" should be --the one or more of the attributes --.

On line 1 of claim 33 the term "the apparatus of" should be --An apparatus of--.

On line 2 of claim 33 the term "a network management application" should be --said network management application--.

On line 3 of claim 33 the term "one or more of several methods" should be --the one or more of several methods --.

On line 3 of claim 33 the term "one or more of the objects" should be --the one or more of the objects --.

On line 5 of claim 33 the term "one or more methods" should be --the one or more methods --.

On line 7 of claim 34 the term "the steps of" should be --steps of--.

On line 1 of claim 35 the term "instructions" should be --said instructions--.

On line 2 of claim 35 the term "the steps of" should be --steps of--.

On line 3 of claim 36 the term "instructions" should be --said instructions--.

On line 4 of claim 36 the term "the step of" should be --a step of--.

On line 1 of claim 37 the term "instructions" should be --said instructions--.

On line 2 of claim 37 the term "the steps of" should be --steps of--.

On line 5 of claim 38 the term "data" should be --said data--.

On line 1 of claim 39 the term "instructions" should be --said instructions--.

On line 2 of claim 39 the term "the steps of" should be --steps of--.

On line 3 of claim 39 the term "a network management application" should be --said network management application--.

On line 1 of claim 40 the term "instructions" should be --said instructions--.

On line 2 of claim 40 the term "the steps of" should be --steps of--.

On line 3 of claim 40 the term "query" should be --the query --.

On line 3 of claim 40 the term "a network management application" should be --said network management application--.

On line 6 of claim 40 the term "one or more objects" should be --the one or more objects --.

On line 1 of claim 41 the term "instructions" should be --said instructions--.

On line 2 of claim 41 the term "receiving" should be excluded from the term "receiving a query".

On line 2 of claim 41 the term "the steps of" should be --steps of--.

On line 3 of claim 41 the term "query" should be --the query --.

On line 3 of claim 41 the term "a network management application" should be --said network management application--.

On line 6 of claim 41 the term "one or more methods" should be --the one or more methods --.

On line 1 of claim 42 the term "instructions" should be --said instructions--.

On line 2 of claim 42 the term "the steps of" should be --steps of--.

On line 3 of claim 42 the term "query" should be --the query --.

On line 3 of claim 42 the term "a network management application" should be --said network management application--.

On line 6 of claim 42 the term "one or more attributes" should be --the one or more attributes --.

On line 1 of claim 43 the term "instructions" should be --said instructions--.

On line 2 of claim 43 the term "the steps of" should be --steps of--.

On line 3 of claim 43 the term "a network management application" should be --said network management application--.

On line 4 of claim 43 the term "one or more of several methods" should be --the one or more of said several methods --.

On line 4 of claim 43 the term "one or more objects" should be --the one or more objects --.

On line 6 of claim 43 the term "one or more components" should be --the one or more components --.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 1, the limitation of providing the identified network device OS operation and the prepared data in a callback is recited. The specific limitation is non-statutory because the applicant failed to specify a correlating result as to where or how the prepared data would be stored once transmitted to the selected one of the several network device OS components. The above claims lack tangible output because the claim fails to mention the events that occur thereafter between the transmitted operation and data and the one of several network device OS components once the priority data is transmitted.

Claims 2-10, and 26-33 fail to resolve the deficiencies of claim 1 because there isn't any added language in either dependent claim that includes a limitation for storing the transmitted operation and data at the one of several network device OS components upon transmitting the data.

In claim 11, the limitation of providing the identified network device OS operation and the prepared data in a callback is recited. The specific limitation is non-statutory because the applicant failed to specify a correlating result as to where or how the prepared data would be stored once transmitted to the selected one of the several network device OS components. The above claims lack tangible output because the claim fails to mention the events that occur thereafter between the transmitted operation and data and the one of several network device OS components once the priority data is transmitted.

Claims 12-13 fail to resolve the deficiencies of claim 1 because there isn't any added language in either dependent claim that includes a limitation for storing the transmitted operation and data at the one of several network device OS components upon transmitting the data.

In claim 14, the limitation of providing the identified network device OS operation and the prepared data in a callback is recited. The specific limitation is non-statutory because the applicant failed to specify a correlating result as to where or how the prepared data would be stored once transmitted to the selected one of the several network device OS components. The above claims lack tangible output because the claim fails to mention the events that occur thereafter between the transmitted operation and data and the one of several network device OS components once the priority data is transmitted.

Claims 15-23 fail to resolve the deficiencies of claim 1 because there isn't any added language in either dependent claim that includes a limitation for storing the transmitted operation and data at the one of several network device OS components upon transmitting the data.

In claim 24, the limitation of providing the identified network device OS operation and the prepared data in a callback is recited. The specific limitation is non-statutory because the applicant failed to specify a correlating result as to where or how the prepared data would be stored once transmitted to the selected one of the several network device OS components. The above claims lack tangible output because the claim fails to mention the events that occur thereafter between the transmitted operation and data and the one of several network device OS components once the priority data is transmitted.

Claim 25 fails to resolve the deficiencies of claim 1 because there isn't any added language in either dependent claim that includes a limitation for storing the transmitted operation and data at the one of several network device OS components upon transmitting the data.

In claim 34, the limitation of providing the identified network device OS operation and the prepared data in a callback is recited. The specific limitation is non-statutory because the

applicant failed to specify a correlating result as to where or how the prepared data would be stored once transmitted to the selected one of the several network device OS components. The above claims lack tangible output because the claim fails to mention the events that occur thereafter between the transmitted operation and data and the one of several network device OS components once the priority data is transmitted.

Claims 35-43 fail to resolve the deficiencies of claim 1 because there isn't any added language in either dependent claim that includes a limitation for storing the transmitted operation and data at the one of several network device OS components upon transmitting the data.

7. Claims 11-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 11-23, the "computer readable medium," in accordance with the applicant's specification, may be a carrier wave. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless - -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1, 4, 11, 14, 17, 24, and 37 are rejected under 35 U.S.C. 102 (e) as being anticipated by Beadles et al (Pub # US 2003/0037128).

Beadles et al (Pub # US 2003/0037128) teach a method of processing a network device operating system operation (see e.g. [0022], which implies a method of processing a network device operating system operation because policy and configuration information is downloaded to a network device using a secure communications link. In this instance, the downloading of the network policy information acts as the network device OS operation), receiving the network device operating system operation and associated data within an XML document (see e.g. [0044], which implies that the network device operating system operation and associated data within an XML document are received because the policies information that is downloaded is stored as XML data), parsing the XML document to identify the network device OS operation (see e.g. [0050], which implies parsing of an XML document to identify the network device OS operation because the policy operation is parsed into an identifiable format), selecting one of several network device operating system components that can process the identified network device OS operation (see e.g. [0048], which implies selecting one of several network device operating system components that can process the identified network device because a device

plug-in framework embedded within the OS to translate the policy into and identifiable format and deliver the policy to the edge device of the OS), preparing the associated data for use by the selected one of several network device OS components (see e.g. [0044], which implies that the associated data is prepared for use by the OS component because the device plug-in layer receives the XML data and translates the data to device-specific configuration data), and providing the identified network device OS operation and the reared data in a callback to the selected one of the several network device OS components (see e.g. [0047], which implies providing the identified network device OS operation and the reared data in a callback to the selected one of the several network device OS components because the OS operation and the prepared data are provided to the selected OS system component because the Device plug-in includes a provisioner that provides the policy and configuration data to be downloaded to the device).

In reference to claims 4, 17, 17, 27, and 37 Beadles et al (Pub # US 2003/0037128) teach a method including limitations for processing the identified network device OS operation in preparation for invoking a function that can perform one or more tasks associated with the operation (see e.g. [0050], which implies a step of processing the identified network device OS operation in preparation for invoking a function that can perform one or more tasks associated with the operation because a push model is embedded within the invention for delivering the policies to the specified edge devices) and invoking the function defined by the network device OS component that can perform the one or more tasks associated with the operation (see e.g. [0052], which implies a step for invoking the function defined by the network device OS component that can perform the one or more tasks associated with the operation because a pull

model is embedded in the invention in which the plug-in actually transports the requested policy to the edge device from which the request was made).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

11. Claims 2, 15, 25, and 35 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Paul et al (Pat # US 7,013,329).

In reference to claims 2, 15, 25, and 35 Beadles et al teach a method including a limitation for receiving responsive data from the selected one of the several network device OS components (see e.g. [0048], which implies a limitation for receiving responsive data from the selected one of the several network device OS components because the edge device receives the translated XML policy data sent from the network device plug-in).

Beadles et al explicitly teach the limitations as disclosed above except for creating a responsive XML document that contains the responsive data in XML format and sending the responsive XML document to a network management application.

The general concept of creating a responsive XML document that contains the responsive data in XML format and sending the responsive XML document to a network management application is well known in the art as illustrated by Paul et al (Pat # US 7,013,329). Paul et al teach a method including the limitations for creating a responsive XML document that contains the responsive data in XML format (see spec, sec. 49, lines 5-21, which implies this limitation because a listener-invoked state machine embedded within the network generates a responsive XML document to the data sent from the presentation manager) and sending the responsive XML document to a network management application (see spec, sec. 49, lines 22-35, which implies this limitation because the XML document is sent from the listener to a converter in order to be sent to the network device handler of the application).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of creating a responsive XML document that contains the responsive data in XML format and sending the responsive XML document to a network management application in order to improve upon the maintenance of network device, as implied in sec. 49, lines 5-21 of Paul et al.

12. Claims 3, 16, 26, and 36 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Paul et al (Pat # US 7,013,329).

In reference to claims 3, 16, 26, and 36 Beadles et al teach a method including a limitation for receiving responsive data from the selected one of the several network device OS components (see e.g. [0048], which implies a limitation for receiving responsive data from the selected one of the several network device OS components because the edge device receives the translated XML policy data sent from the network device plug-in).

Beadles et al explicitly teach the limitations as disclosed above except for wherein the XML document is received within a transport protocol message that conforms to one of several transport protocols, and further comprising the step of extracting the XML document from the transport protocol message.

The general concept of wherein the XML document is received within a transport protocol message that conforms to one of several transport protocols, and further comprising the step of extracting the XML document from the transport protocol message is well known in the art as illustrated by Paul et al (Pat # US 7,013,329). Paul et al teach a method including the limitations for wherein the XML document is received within a transport protocol message that conforms to one of several transport protocols (see spec, sec. 49, lines 22-35, which implies this limitation because the XML document is sent using a protocol that is accepted by the client process) and further comprising the step of extracting the XML document from the transport protocol message (see spec, sec. 49, lines 22-35, which implies this limitation because the XML document is converted to the client process using a protocol that accepts documents that can be generated with a conventional XML converter or the system will communicate with the client process in the protocol of the client process based on the information in the XML document).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the step wherein the XML document is received within a transport protocol message that conforms to one of several transport protocols, and further comprising the step of extracting the XML document from the transport protocol message in order to improve upon the maintenance of devices in a network, as implied in sec. 49, lines 5-35 of Paul et al.

13. Claims 5, 13, 18, 28, and 38 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Shah et al (Pat # US 6,041,325).

In reference to claims 5, 18, 28, and 38 Beadles et al teach a method including a limitation for processing a network device operating system operation, as previously stated (see e.g. [0022]).

Beadles et al explicitly teach the limitations as disclosed above except for validating data associated with the network device OS operation and mapping the data to one or more data structures that are associated with the function.

The general concept of validating data associated with the network device OS operation and mapping the data to one or more data structures that are associated with the function is well known in the art as illustrated by Shah et al (Pat # US 6,041,325). Shah et al teach a method including the limitations for validating data associated with the network device OS operation (see spec, sec. 15, lines 4-10, which implies this limitation because the invention has logic embedded to validate data needed for functional operations carried out within the network of the invention) and mapping the data to one or more data structures that are associated with the

function (see spec, sec. 15, lines 60-67, which implies this limitation because the system partitions data associated with restricted access operation into separate data in order to carry out the restriction of service offering on the network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of validating data associated with the network device OS operation and mapping the data to one or more data structures that are associated with the function in order to improve upon the maintenance of services in a network, as implied in sec. 2, lines 23-67 of Shah et al.

14. Claims 6, 19, 29, and 39 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Nguyen (Pat # US 5,396,626).

In reference to claims 6, 19, 29, and 39 Beadles et al teach a method including a limitation for receiving the network device operating system operation and associated data within an XML document, as previously stated (see e.g. [0044]).

Beadles et al explicitly teach the limitations as disclosed above except for receiving a query from a network management application about the several network device OS components that are supported and providing a response to the network management application that identifies one or more of the several network device OS components that are supported.

The general concept of receiving a query from a network management application about the several network device OS components that are supported and providing a response to the network management application that identifies one or more of the several network device OS components that are supported is well known in the art as illustrated by Nguyen (Pat # US

5,396,626). Nguyen teach a method including the limitations for receiving a query from a network management application about the several network device OS components that are supported (see sec. 13, lines 35-41, which implies this limitation because the OS receives a query to identify hardware or software components that satisfy scope criteria supported within the system) and providing a response to the network management application that identifies one or more of the several network device OS components that are supported (see spec, sec. 13, lines 49-52, which implies this limitation because identities of components supported in the scope of the invention are returned to the requesting client).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of receiving a query from a network management application about the several network device OS components that are supported and providing a response to the network management application that identifies one or more of the several network device OS components that are supported in order to effectively maintain service components in a network, as implied in sec. 13, lines 12-24 of Nguyen.

15. Claims 7, 20, 30, and 40 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Nguyen (Pat # US 5,396,626).

In reference to claims 7, 20, 30, and 40 Beadles et al teach a method including a limitation for receiving the network device operating system operation and associated data within an XML document, as previously stated (see e.g. [0044]).

Beadles et al explicitly teach the limitations as disclosed above except for receiving a query from a network management application about one or more of several objects that are

supported by the several components and providing a response to the network management application that identifies one or more of the objects that are supported.

The general concept of for receiving a query from a network management application about one or more of several objects that are supported by the several components and providing a response to the network management application that identifies one or more of the objects that are supported is well known in the art as illustrated by Nguyen (Pat # US 5,396,626). Nguyen teach a method including the limitations for receiving a query from a network management application about one or more of several objects that are supported by the several components (see sec. 13, lines 44-48, which implies this limitation because the properties of components are examined to see if the components satisfy the scope criteria) and providing a response to the network management application that identifies one or more of the objects that are supported (see spec, sec. 13, lines 49-52, which implies this limitation because the component properties supported in the scope of the invention are returned to the requesting client).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of receiving a query from a network management application about one or more of several objects that are supported by the several components and providing a response to the network management application that identifies one or more of the objects that are supported in order to effectively maintain service components in a network, as implied in sec. 13, lines 12-24 of Nguyen.

16. Claims 8, 21, 31, and 41 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Shell et al (Pub # US 2003/0018764).

In reference to claims 8, 21, 31, and 41 Beadles et al teach a method including a limitation for receiving the network device operating system operation and associated data within an XML document, as previously stated (see e.g. [0044]).

Beadles et al explicitly teach the limitations as disclosed above except for receiving a query from a network management application about one or more of several methods that are supported by the objects and providing a response to the network management application that identifies one or more of the methods that are supported.

The general concept of for receiving a query from a network management application about one or more of several objects that are supported by the several components and providing a response to the network management application that identifies one or more of the objects that are supported is well known in the art as illustrated by Shell et al (Pub # US 2003/0018764). Shell et al teach a method including the limitations for receiving a query from a network management application about one or more of several methods that are supported by the objects (see e.g. [0005] – [0006], which implies this limitation because a query is sent from a service provider to a mobile device regarding configuration settings on the mobile device, the query maybe sent in the form of an XML document and the settings of the device also comprises the method in which the configuration occurs) and providing a response to the network management application that identifies one or more of the methods that are supported (see e.g. [0014], which implies this limitation because components on the mobile device are used to respond to the query document).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of receiving a query from a network management

application about one or more of several methods that are supported by the several objects and providing a response to the network management application that identifies one or more of the methods that are supported in order to effectively configure mobile devices in a network, as implied in e.g. [0014] of Shell et al.

17. Claims 9, 22, 32, and 42 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Shell et al (Pub # US 2003/0018764).

In reference to claims 9, 22, 32, and 42 Beadles et al teach a method including a limitation for receiving the network device operating system operation and associated data within an XML document, as previously stated (see e.g. [0044]).

Beadles et al explicitly teach the limitations as disclosed above except for receiving a query from a network management application about one or more of several attributes that are supported by the methods and providing a response to the network management application that identifies one or more of the attributes that are supported.

The general concept of for receiving a query from a network management application about one or more of several objects that are supported by the several components and providing a response to the network management application that identifies one or more of the objects that are supported is well known in the art as illustrated by Shell et al (Pub # US 2003/0018764). Shell et al teach a method including the limitations for receiving a query from a network management application about one or more of several attributes that are supported by the methods (see e.g. [0005] – [0006], which implies this limitation because a query is sent from a service provider to a mobile device regarding configuration settings on the mobile device, the query maybe sent in the form of an XML document and the settings of the device also comprises

the attributes in which the configuration is comprised of) and providing a response to the network management application that identifies one or more of the attributes that are supported (see e.g. [0014], which implies this limitation because components on the mobile device are used to respond to the query document).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of receiving a query from a network management application about one or more of several attributes that are supported by the several methods and providing a response to the network management application that identifies one or more of the attributes that are supported in order to effectively configure mobile devices in a network, as implied in e.g. [0014] of Shell et al.

18. Claims 10, 23, 33, and 43 are rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Slaughter et al (Pat # US 6,970,869).

In reference to claims 10, 23, 33, and 43 Beadles et al teach a method including a limitation for receiving the network device operating system operation and associated data within an XML document, as previously stated (see e.g. [0044]).

Beadles et al explicitly teach the limitations as disclosed above except for receiving an invocation from a network management application about one or more of several methods that are supported by one or more objects of the several components and invoking the one or more methods through a callback to one or more of the components.

The general concept of for receiving an invocation from a network management application about one or more of several methods that are supported by one or more objects of

the several components and invoking the one or more methods through a callback to one or more of the components is well known in the art as illustrated by Slaughter et al (Pat # US 6,970,869). Slaughter et al teach a method including the limitations for receiving an invocation from a network management application about one or more of several methods that are supported by one or more objects of the several components (see spec, sec. 28, lines 3-30, which implies this limitation because a service's method gate receives a request from a client application to invoke one of the service's methods for which a resulting object reference is to be sent) and invoking the one or more methods through a callback to one or more of the components (see spec, sec. 28, lines 14-30, which implies this limitation because the results are returned in response to the method called by the client).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of receiving a query from a network management application about one or more of several attributes that are supported by the several methods and providing a response to the network management application that identifies one or more of the attributes that are supported in order to effectively distinguish services for devices in a network, as implied in sec. 20, lines 47-67 of Slaughter et al.

19. Claim 12 is rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Slaughter et al (Pat # US 6,970,869).

In reference to claim 12 Beadles et al teach a method including a limitation for processing a network device operating system operation, as discussed above (see e.g. [0022]).

Beadles et al explicitly teach the limitations as disclosed above except for component XML logic that implements one or more of the callbacks to which the identified network device OS operation and the prepared data are provided by the programmatic agent infrastructure logic and component API logic that provides an API for one or more functions of the network device OS component.

The general concept of component XML logic that implements one or more of the callbacks to which the identified network device OS operation and the prepared data are provided by the programmatic agent infrastructure logic and component API logic that provides an API for one or more functions of the network device OS component is well known in the art as illustrated by Slaughter et al (Pat # US 6,970,869). Slaughter et al teach a method including the limitations for component XML logic that implements one or more of the callbacks to which the identified network device OS operation and the prepared data are provided by the programmatic agent infrastructure logic (see spec, sec. 19, lines 34-58, which implies this limitation because the message gate may implement an API to send messages from the requesting client applications and receive messages from the service's method gate in an XML schema) and component API logic that provides an API for one or more functions of the network device OS component (see spec, sec. 19, lines 34-58, which implies this limitation because the function of the service's method gate is to invoke the requested service method and this function maybe carried out using an API).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of receiving a query from a network management application about one or more of several attributes that are supported by the several methods and

providing a response to the network management application that identifies one or more of the attributes that are supported in order to effectively distinguish services for devices in a network, as implied in sec. 20, lines 47-67 of Slaughter et al.

20. Claim 34 is rejected under 35 USC 103 as being unpatentable over Beadles et al (Pub # US 2003/0037128) in view of Bradley et al (Pat # US 6,957,256).

In reference to claim 34 Beadles et al teach a method including limitations for a method of processing a network device operating system operation (see e.g. [0022], which implies a method of processing a network device operating system operation because policy and configuration information is downloaded to a network device using a secure communications link. In this instance, the downloading of the network policy information acts as the network device OS operation), receiving the network device operating system operation and associated data within an XML document (see e.g. [0044], which implies that the network device operating system operation and associated data within an XML document are received because the policies information that is downloaded is stored as XML data), parsing the XML document to identify the network device OS operation (see e.g. [0050], which implies parsing of an XML document to identify the network device OS operation because the policy operation is parsed into an identifiable format), selecting one of several network device operating system components that can process the identified network device OS operation (see e.g. [0048], which implies selecting one of several network device operating system components that can process the identified network device because a device plug-in framework embedded within the OS to translate the policy into and identifiable format and deliver the policy to the edge device of the OS), preparing

the associated data for use by the selected one of several network device OS components (see e.g. [0044], which implies that the associated data is prepared for use by the OS component because the device plug-in layer receives the XML data and translates the data to device-specific configuration data), and providing the identified network device OS operation and the reared data in a callback to the selected one of the several network device OS components (see e.g. [0047], which implies providing the identified network device OS operation and the reared data in a callback to the selected one of the several network device OS components because the OS operation and the prepared data are provided to the selected OS system component because the Device plug-in includes a provisioner that provides the policy and configuration data to be downloaded to the device).

Beadles et al explicitly teach the limitations as disclosed above except for a network interface that is coupled to a data network for receiving one or more packet flows, a processor, and one or more stored sequences of instructions.

The general concept of a network interface that is coupled to a data network for receiving one or more packet flows, a processor, and one or more stored sequences of instructions is well known in the art as illustrated by Bradley et al, which teaches a method including limitations for a network interface that is coupled to a data network for receiving one or more packet flows (see claim 22, which implies a network interface that is coupled to a data network for receiving one or more packet flows because claim 22 states "the computer system comprising: a network interface that is coupled to a network for receiving one or more packet flows"), and a processor and stored sequences of instructions that cause the steps of the invention to be carried out (see claim 22, which implies this limitation because claims 22 shows a processor and a computer-readable

medium comprising one or more stored sequences of instructions that cause the operation within the invention to be carried out).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beadles et al to include the steps of a network interface that is coupled to a data network for receiving one or more packet flows, a processor, and one or more stored sequences of instructions in order to effectively link an operation to a network management system in a network, as implied in sec. 27, lines 33-51 of Bradley et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Scott whose telephone number is 571-270-1598. The examiner can normally be reached on Mon - Thurs. 7:30-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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R.A.S.

15 February 2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)	Attorney Docket N .: 50325-0793	Application Number: 10/658,912
	First Named Inventor: Anand Iyer, et al.	
	Filing Date: September 9, 2003	

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RS		David K. Y. Yau, et al., "Resource Management in Software-Programmable Router Operating System," 2001, IEEE Journal on Selected Areas in Communications, Vol. 19, No. 3, March 2001, pp. 488-500.	
RS		Tzi-cker Chiueh, et al., "Srishti: Operating System Support for Network Devices," http://www.ecsl.cs.sunysb.edu/srishti.html, printed 11/11/2003, pp. 1-2.	
RS		Smart Network Devices, "Operating Software, Introducing HyNetOS™, http://www.smartnd.com/technology/operating.cfm, printed 11/24/03, pp. 1-7.	
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	Examiner Randy Scott	Art Unit 2109	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0037128	02-2003	Beadles et al.	709/220
*	B	US-7,013,329	03-2006	Paul et al.	709/217
*	C	US-6,041,325	03-2000	Shah et al.	707/10
*	D	US-2003/0018764	01-2003	Shell et al.	709/223
*	E	US-6,970,869	11-2005	Slaughter et al.	707/10
*	F	US-6,957,256	10-2005	Bradley et al.	709/223
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